

Formation of Future Doctors' Legal Culture during University Education in Ukraine

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Abstract: *The article deals with the concept of future doctors' legal culture as a separate subsystem of professional medical culture based on the specifics of medical activity. The existing national approaches to given issue have been analyzed as well as university subjects that form legal awareness and moral values of future doctors. Therefore, legal culture is based on legal knowledge, personal and psychological qualities; moral and ethical values of the future doctor, which in combination form the overall professional medical culture.*

Key Words: *legal culture, future doctors, legal awareness, professional ethical culture, medical ethics, bioethics.*

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I. Introduction

Legal culture is extremely important for healthcare professionals. Daily activities of doctors in most areas are regulated by law. In addition to the basic health legislation, there are a number of orders of the Ministry of Healthcare of Ukraine (for example, approval of the list of prescription drugs, rules for individual patient cards maintenance, registration of temporary incapacity certificates for employees, registration of fatalities, etc.). Knowledge and practical use of all these provisions and documents is an integral part of the professional training of healthcare professionals.

Therefore, legal culture of doctors is characterized by a fairly high level of application compared to other categories of population, at least in the fact that doctors need to be much more knowledgeable in legal matters. Their legal culture is characterized not only by knowing a set of regulations, laws, standards, but also by behaving in accordance with legal requirements, respect for the law, and demonstrating all indicators of legal culture.

II. The Concept of Legal Culture for Healthcare Professionals

Scholars study the legal culture of doctors in various aspects. In particular, in the work "Legal culture of health workers as a factor in stabilizing public administration of the health care system of Ukraine" Yu. Radysh and N. Mezentseva emphasize the factors that contribute to the formation of a high level of legal culture in the healthcare field, namely: approval of basic universal values in Ukraine, the implementation of state policy based on the rights and freedoms of citizens as the highest social value, the formation of a system of legal education and legal education [1].

Examining the legal training of students in higher medical educational institutions, O. Kablukov and O. Strakhova emphasize the legal competence of a medical student and define it as "an integral property of personality based on legal values, which shows its willingness to apply legal knowledge and skills in professional medical activities". In the process of legal training the medical student must learn to:

- understand the requirements of the legislation related to medical activities;
- analyze medical documents;
- identify defects in the provision of medical care;
- participate in official investigations of conflict situations related to the provision of medical care;
- participate in the examination of corpses, living persons, as well as commission examinations, in cases of professional offenses of medical workers [2].

O. Sichkoriz's approach to the problem of legal training of students at Danylo Halytsky Lviv National Medical University appears quite interesting. The author emphasizes the need for knowledge in the field of legal regulation of professional medical activities, as well as the ability to protect their interests. In today's world, understanding legal information in the field of health care has become an integral part of medical professional knowledge in compliance with moral and ethical standards. Based on statistics from the Unified State Register

of Court Decisions and Appeals of Citizens to the Ministry of Health of Ukraine, the author concludes that the following rights are being most often violated in healthcare institutions: the human right to medical information; the human right to quality medical care, the human right to consent and to refuse medical intervention; the human right to secrecy of health; the human right to freedom of choice in health care [3].

According to N. Halapats and O. Lytvynova, the legal culture of a medical professional is his legal awareness, understanding of the principles of medical law, conviction in the justice of laws, respect for them and the need for their strict observance in medical activities. It is a critical creative understanding of legal norms, laws, legal phenomena in terms of their humanistic, democratic and moral content. Morality and legal responsibility have different manifestations. If the application of law to a man is a force of external coercion, then the moral aspect is the inner motivation, consciousness and responsibility not only to others but also to himself, to his/her conscience [4].

For our study, the priority is the concept of legal culture of future doctors, which is a separate subsystem of professional medical culture based on the specifics of medical activities. Legal culture is based on legal knowledge, personal and psychological qualities, moral and ethical values of the future doctor, that in combination form a space of professional medical culture. Complex professional situations often encountered by a doctor in his professional activity, require constant implementation of moral and ethical choices. After all, the life of patient is in doctors' hands and depends on his correct actions. In this aspect, the legal culture of physicians has much in common with the concepts of "ethics", "professional ethics", and "professional and ethical culture", "medical ethics", "medical deontology" and "bioethics". Consideration of the ethical component of a doctor's professional activity motivates a more thorough analysis of these concepts.

III. Components of Legal Culture of Future Doctors

The Encyclopedia of Education defines ethics as "the science of morality and the use of moral judgments in human behavior, the use of moral judgments, and the development of moral consciousness; the form of social consciousness and the type of social relations aimed at asserting the self-worth of the individual, the equality of all people; their desire for a happy and dignified life".

The Dictionary of Ethics provides the following definition - it is "codes of conduct that ensure the moral nature of those relationships between people that arise from their professional activities".

Thus, ethics is studied within the framework of philosophical science, creating a certain view of the world. According to the conditions of professional activity there are certain moral relationships between people, which are realized through professional ethics, the purpose of which is to describe and substantiate the features of moral and ethical norms, values and principles considering the specifics of professional activity.

Based on the generalization of other research, scholars O. Semenog and O. Kravchenko propose their own definition for "professional ethics" and consider it as a system of moral norms, priority ethical qualities of professional activity, or a code; certain rule-making and normative practice in the field of a certain profession. These scholars also note that professional ethics includes issues of humanism, duty, conscience, honor, dignity, psycho-emotional traits of the professional, which are manifested in his relationships with colleagues and other people in different social situations [5].

Impressive definition of professional ethics is provided in the Encyclopedia and Dictionary of Medicine, Nursing and Health, according to which "professional ethics combines ethical norms, values and principles that guide the profession and ethical decisions made in this profession".

In the context of the study, we are interested in the professional ethics of future doctors, whose activities are related to the need to make responsible and timely decisions, often in conditions of increased risk, stress, lack of time and information. In these conditions, the doctor must have a clear idea of the tasks and ways to solve them, be able to communicate with medical staff, take responsibility for decisions. The essence of the concept of "medical ethics" is considered in three areas: 1) as knowledge that integrates the moral foundations of the doctor's personality; 2) as a theory and practice of the relationship between the health worker and patients, colleagues and society; 3) as a moral relationship, a set of moral norms and assessments that govern medical practice.

Designing a model of formation of professional and ethical culture of future doctors in the process of humanitarian training, T. Koroliova provides her own definition of professional culture - it is the activity of the individual to master the system of professional and social values, formed on the basis of universal values and implemented in professional activities [6]. In our opinion, this definition quite fully characterizes professional culture, as it combines professional and social basis for the formation of this type of culture.

Developing the topic of professional culture of medical professionals, L. Dudikova has studied professional and ethical competence of the doctor and defined it as "a holistic individual-psychological integrative multilevel education, which is the result of continuing education in "Healthcare" field and combines theoretical knowledge on professional ethics, professional and ethical values, moral and personal qualities and practical skills of a doctor in the field of professional activity, provides his choice of conscious ethical behavior

in accordance with professional and ethical norms, as well as the ability to self-realization, the need for professional and ethical self-improvement throughout life" [7].

Yu. Kolisnyk-Humenyuk expressed her view on the formation of professional and ethical culture and moral and ethical values of future medical professionals, noting that in the training of medical professionals it is necessary to take into account not only knowledge, skills and abilities, but also to develop their personal qualities, and cultivate humanistic and universal values. We agree with the author that medical workers, in addition to developed professional competence, must have a high level of professional and ethical culture and professionally significant psychological qualities, the ability to maintain and increase moral and ethical views and beliefs that develop and improve in professional activities. Medical ethics requires a doctor to constantly self-improve not only professionally but also morally [8].

Nowadays, the use of new medical technologies is expanding and sometimes outside the scope of legal regulation. Therefore, in the professional training of medical professionals, the issues of ethical self-awareness, moral responsibility, moral values, professional duty and decency, which form the medical ethics of a doctor, become relevant.

We rely on the research of N. Shyhonska, whose scientific research of medical ethics gives an important place to such categories as: professional duty (fulfillment of the doctor's appointment so that the patient's interests are higher than their own), equality of relations (humane treatment of each patient regardless of his social status or personal sympathies), honor (awareness of one's role and values in society), conscience (judging of all actions). The researcher emphasizes that the medical profession and conscience are inseparable. Ethical laws form the basis of medical activity; regulate the relationship between doctor and patient, colleagues, society, the state. Medical ethics includes postulates about the responsibilities of the doctor and the patient, medical secrecy, medical error, etc. [9]

The philosophy of morality and ethics is firmly rooted in the health care system - medical ethics, which is closely related to medical deontology - a set of professional requirements, norms and responsibilities of doctors.

Medical deontology is a related subject between ethics and medicine, a branch of medical ethics that has its own specifics; the doctrine of moral duty and ethical standards of conduct of medical staff, ensuring the optimal quality and effectiveness of their work to restore and preserve human health.

The key concept of medical deontology is the professional duty of the doctor to patients and society. Medical deontology presupposes the right of medical specialists to professional honor and dignity, determines the normative principles of a doctor's behavior.

In the structure of medical ethics, deontology occupies a special place. The main areas of regulation of deontology include the following:

- relationship between doctor and patient;
- relationship between the doctor and pediatric patients;
- relationship between the doctor and relatives of the patient;
- relationship between the doctor and his/her colleagues;
- relationship between doctors and paramedics;
- doctor's attitude to medical secrecy and his/her right to disseminate information;
- doctor's right to experiment and ethical issues of medical research;
- the problem of legal responsibility of the doctor;
- the problem of material and moral remuneration of the doctor.

The basic moral and ethical principles of a doctor's behavior are set out in "The Oath of Hippocrates" - a medical oath that must be taken by everyone who intends to become a physician, a promise to be worthy of the chosen cause, an oath to society to help suffering people. "The Oath of Hippocrates" contains 9 basic moral and ethical principles:

- commitment to teachers, colleagues and students;
- the principle of not causing harm;
- obligation to provide care to the patient (principle of mercy);
- the principle of care for the benefit of the patient and the dominant interests of the patient;
- the principle of respect for life and a negative attitude towards euthanasia;
- the principle of respect for life and a negative attitude towards abortion;
- the obligation to renounce intimate relations with patients;
- commitment to personal self-improvement;
- medical secrecy (principle of confidentiality).

Recently, new interdisciplinary areas of science have emerged and begun to develop in the medical field, based on modern humanistic and democratic values. Such are bioethics and biomedical ethics, which are also related to the regulation of legal relations of medical professionals.

Bioethics is an interdisciplinary field focused on the study and solution of moral problems caused by the latest advances in biomedical science and modern biotechnology. This science is focused on the study of living beings (not just humans), regardless of whether they are related to human treatment or to problems of a value nature inherent in all species of living things on earth.

Biomedical ethics (BME) is an ethical and applied discipline, the subject of which is the ethical attitude of society in general and professionals (physicians and biologists in particular) to man, his/her life, health and death both in the process of treatment and in research, conducted with his/her participation, and that aims to make their protection a priority right of every person. Biomedical ethics functions in two planes: 1) normative and ethical, which is associated with the manifestation of universal moral values and principles in medical activities or biological research - at the theoretical and practical levels; 2) situational, which is associated with the specifics and modern achievements of medicine, is manifested in specific, unique cases and affects the unique human destiny.

In her scientific works, O. Kashyntseva pays attention to the bioethical problems of Ukrainian medical legislation and argues that they appear in three areas: moral and ethical, economic and legal. At the same time, the author notes that the current Ukrainian legislation does not provide proper legal regulation of research activities in the field of biotechnology and medicine, or proper legal protection of human biological integrity at all stages of its biological existence [10]. The researcher proposes to correct these discrepancies in the educational process through a number of selective courses: "Law of Bioethics", "Protection of patients' rights: comparative analysis", "Legal regulation of medicines", "Legal regulation of healthcare relations" and others.

O. Semenova's scientific work is aimed at the formation of bioethical responsibility in students of higher medical educational institutions. The scientist reveals the essence of bioethical responsibility as a system of intellectual and emotional beliefs of the individual, the form of social consciousness and social relations that determine the behavior of the specialist, his/her attitude to various aspects of social reality (to themselves, others, professional activities, the world and more). Based on this, an important task of the educational process of future doctors is the formation of ethical and professional thinking in the system of medical education. This can be achieved through the introduction of a set of special courses aimed at studying the general criteria of bioethically responsible thinking and behavior. The course should be based on problematic issues of biotic issues and universal moral values, and the process of forming bioethical thinking should be carried out by mastering bioethical laws, rules and principles. The purpose of teaching a special course should be to exercise value-oriented influence [11].

IV. Conclusion

Thus, the generalization of research positions allowed us to conclude that the legal culture of medical professionals is a complex and multifaceted phenomenon. In this aspect, the legal culture of physicians has much in common with the concepts of "ethics", "professional ethics", and "professional and ethical culture", "medical ethics", "medical deontology", and "bioethics". A brief analysis of scientific approaches to understanding the essence of legal culture allowed to define the legal culture of future doctors as the formation of legal knowledge, skills and abilities of masters of medicine in order to apply them in future practice.

Legal culture is part of a doctor's professional culture. The higher the legal culture of a doctor, the more professionally he/she performs his/her professional duties, and the higher the quality and efficiency of medical and diagnostic care to the citizens, the more effectively the rights and legitimate interests of citizens in the field of health care are ensured. The time has come when the formation and development of legal culture should become an important part of the general training of future doctors, because without knowledge of legal norms and legal relations governing professional medical activities, the ability to apply them in practice, a doctor cannot perform their duties and treat patients at the appropriate level.

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